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**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Application Number: 10/811,541
Filing Date: March 29, 2004
Appellant(s): UTHE ET AL.

Edward H. Green, III
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed September 30, 2008 and appeal brief supplements filed October 27, 2008 and December 31, 2008 appealing from the Office action mailed April 30, 2008.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

| | | |
|---|---|---|
| US 6341310 B1 | Leshem et al. | 1-2002 |
| US 20030025812 A1 | SLATTER | 2-2003 |
| US 6341183 B1 | GOLDBERG | 1-2002 |
| US 20030046390 A1 | BALL ET AL. | 3-2002 |

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-2, 7-8, 11-21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slatter (US 2003/0025812 A1) in view of Leshem (US 6,341,310).

As per independent claim 1, Slatter teaches **a method of zooming in/out a current display of a visualization of** resources (e.g. in paragraphs 1-2, 45, and 55-59), **each said** resource **having zero or more attributes** (e.g. in paragraphs 15-16 and 35-36), **and each** resource **being a** resource **of interest if it has at least one attribute that matches predetermined criteria** (e.g. in paragraphs 15-16 and 35-36), **comprising: computing a future display area zoomed in/out from said current display by an initial factor** (e.g. in paragraph 15, *generates crop boundaries for each*

*area of interest* and in paragraph 26-27, *view that area of interest with a level of zoom selected automatically by the image processor* or determined by the user)**; positioning said future display area over said visualization to include the largest possible number of** resources **of interest** (e.g. in paragraph 28, *include as many of the areas of interest as possible*)**; and replacing said current display with a view of said future display area** (e.g. in paragraph 14 and paragraph 29, *shows each of the views in turn*), but does not specifically teach each of said resources representing a **network node**, wherein the visualization of resources includes a visualization of **a network**, **comprising a plurality of interconnected** network **nodes,** each network node having zero or more attributes **related to an operational characteristic or status of said network node, the network nodes represented in the visualization by interconnected icons**. However, Leshem teaches a visualization of a network comprising a plurality of interconnected nodes (e.g. in abstract and figures 1-3), each a network node having zero or more attributes related to an operational characteristic or status of said network node, wherein a resource representing the network nodes are interconnected icons, each network resource being of interest to the user if an attribute of the resource matches a predetermined criteria (e.g. in column 3 lines 1-3 and 21-30, and figures 1-3). Leshem further teaches zooming in and out of the visualization to allow the user to focus on the resources (icons representing network nodes) of interest (e.g. in column 2 lines 27-32 and 55-57 and figures 1-3). It would have been obvious to one of ordinary skill in the art at the time of invention to apply the zoom techniques of

Slatter to the visualization of Leshem for the purpose of allowing the user to automatically focus on the regions of interest.

As per claim 2, the rejection of claim 1 is incorporated and Slatter further teaches **following positioning said future display area, further zooming in/out said future display area until** resources **of interest are proximate at least two edges of said future display area** (figure 2, paragraph 28, and paragraph 50).

As per claim 7, the rejection of claim 1 is incorporated and Slatter further teaches **wherein said** resources **of interest are visually distinguished in said current display** (e.g. in paragraph 25).

As per claim 8, the rejection of claim 7 is incorporated and Slatter further teaches **wherein said** resources **of interest are visually distinguished by displaying indicia of interest associated with said** resources (e.g. in paragraph 25).

As per claim 11, the rejection of claim 1 is incorporated and Slatter further teaches **wherein said** resources **of interest have different degrees of priority, wherein at least one said** resource **of interest has a higher priority than at least one other** resource **of interest** (e.g. in paragraphs 35-36).

As per claim 12, the rejection of claim 11 is incorporated and Slatter further teaches **wherein positioning said future display area to include the largest possible number of** resources **of interest comprises positioning said future display area to include the largest possible number of** resources **having said higher priority** (e.g. in paragraphs 28 and 35-36).

As per claim 13, the rejection of claim 1 is incorporated and Slatter further teaches **wherein, if said future display area cannot include more than one** resource **of interest, positioning said future display area to include the largest possible number of** resources **of interest comprises positioning said future display area such that a single** resource **of interest is centered in said future display area** (e.g. in paragraphs 50).

As per claim 20, the rejection of claim 1 is incorporated and Lesham further teaches **wherein said operational characteristic includes one or more of the network node's type, function, capacity, speed, throughput, or number of downstream resources** (e.g. in column 3 lines 21-30).

As per claim 21, the rejection of claim 1 is incorporated and Lesham further teaches **wherein said current operational status comprises active, inactive, normal, critical, or failed** (e.g. in column 3 lines 21-30).

As per claim 23, the rejection of claim 1 is incorporated and Lesham further teaches **wherein one or more network nodes are simulated** (e.g. in abstract and figures 1-3).

Claims 14 and 15 are claims corresponding to the method claims 1, 2, and 13, and are rejected under the same reasons set forth in connection with the rejection of claims 1, 2, and 13.

Claims 16 and 17 are the system claims corresponding to the method claims 1 and 2, and are rejected under the same reasons set forth in connection with the rejection of claims 1 and 2. Slatter teaches **a display device** (e.g. in paragraph 38);

**memory** (e.g. in paragraph 30)**; and a processor operatively connected to said display device and said memory** (e.g. in paragraphs 14, 30, and 38).

Claims 18 and 19 are the computer readable medium claims corresponding to the method claims 1 and 2, and are rejected under the same reasons set forth in connection with the rejection of claims 1 and 2.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slatter (US 2003/0025812 A1) in view of Leshem (US 6,341,310) as applied to the claims above and further in view of Goldberg (US 6,341,183).

As per claim 3, the rejection of claim 1 is incorporated. Slatter teaches **an initial factor** (e.g. in paragraphs 26 and 28), but does not specifically teach **in the range from 115% to 130% for a zoom in, and in the range from 70% to 85% for a zoom out**. However, it was well known in the art at the time the invention was made for a zoom factor to include the range from 115% to 130% for a zoom in, and the range from 70% to 85% for a zoom out. Goldberg teaches zoom ranges from 25% to 800% (e.g. in column 5 lines 63-65), which include the above ranges. It would have been obvious to

one of ordinary skill in the art at the time the invention was made to modify the teachings of Slatter with those zoom ranges to provide initial zooming in those ranges.

As per claim 4, the rejection of claim 1 is incorporated. Slatter teaches **an initial factor** (e.g. in paragraphs 26 and 28), but does not specifically teach **120% for a zoom in, and 80% for a zoom out**. However, it was well known in the art at the time the invention was made for a zoom factor to include 120% for a zoom in, and 80% for a zoom out. Goldberg teaches zoom ranges from 25% to 800% (e.g. in column 5 lines 63-65), which include the above factors. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Slatter with those zoom factors to provide initial zooming in those ranges.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Slatter (US 2003/0025812 A1) in view of Leshem (US 6,341,310) as applied to the claims above and further in view of Ball et al. (US 20030046390 A1).

As per claim 22, the rejection of claim 1 is incorporated, but the combination of Slatter and Leshem does not specifically teach **wherein all network nodes are physical**. However, Ball teaches the above limitation (e.g. in paragraph 62 and figure 1). It would have been obvious to one of ordinary skill in the art at the time of invention to apply the teachings of Slatter and Leshem to the physical network nodes of Ball for the purpose of allowing a user to more efficiently manage a network of computing devices.

**(10) Response to Argument**

Applicant's arguments filed September 30, 2008 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicants argument that Slatter does not teach a visualization of a network with interconnected nodes using icons is moot, as the rejections are based on combinations of references, and Leshem shows that such a visualization was well known. In regards to applicant's argument that Slatter does not teach manipulating a display based on age, sex, nationality, etc. of the underlying object, the claimed limitations do not require such features. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). It is noted that the claims do not require factual or inherent attributes (e.g. age, sex, nationality) of that which is represented, only "attributes". Applicant argues that the attributes in Slatter are of the image and not the underlying object. However, in this case, the attributes of the image *are also* attributes of the underlying object. Even if assuming arguendo, that the attributes were color, brightness, or shape, which is one example given by Slatter, the attributes in the image still show the color, brightness, or shape of the person's face at the time and

condition the picture was taken. As such, the color, brightness, or shape would also be considered attributes of the person. Applicant's argument of the faces of people taken in the dark without a flash is irrelevant, as it supposes a generic hypothetical situation. It does not take into account other factors, such as whether the faces would even be considered areas of interest in that situation, nor is it required by the claimed limitations. Moreover, it is noted again that the rejections are based on combinations of references and as explained in the rejection, Leshem teaches network nodes with attributes, such as activity, popularity, or congestion, which when meet certain criteria are indicated as areas of interest, and teaches representing the network nodes through icons on a display. As such, applicant's arguments with regards to Slatter are moot.

Applicant argues that Leshem does not teach a network because inter-linked web pages are allegedly not a network since it is purely software. However, this is not true. A "network" broadly refers to an interconnected group or system. As such, inter-linked web pages are a network. What applicant refers to in the arguments is a "computer network" or a "computer network node", which is a more specific type of network. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The claims do not recite a "computer network", only a "network". It is clear that Leshem teaches a network of web nodes, and those network nodes have attributes, such as activity, popularity, or congestion, which when meet certain criteria are indicated as areas of interest, and teaches representing the network

nodes through icons on a display. As such, applicant's arguments with regards to Leshem are moot.

Applicant argues that the combination of Slatter and Leshem allegedly fails to teach or suggest any aspect of the claims. However, examiner respectfully disagrees. (It is further noted that applicant's support for such an argument appears to be based on the arguments against the references individually, which have been addressed above.)

Both references are related to viewing areas of interest. The Slatter reference clearly shows that it was well known in the art to allow a user to zoom in/out on a visualization comprising a plurality of areas of interest, and to automatically focus and center on (i.e. compute and position a future display area to replace a current display) as many of the plurality of areas of interest as possible based on a given or current zoom level (i.e. an initial factor) (e.g. in paragraphs 26-27, "select to jump immediately to view that region of interest with a level of zoom selected automatically by the image processor", paragraph 28, "for the given or current level of zoom, calculates where the centre point of the displayed image should be in order to include as many of the areas of interest as possible", paragraph 29, "zoom control results in a panning and scaling operation that shows each of the views in turn", and paragraph 50 in view of figure 2, which provides examples; see also rejections above). The Leshem reference clearly shows that it was well known in the art to display a visualization comprising icons representing a network of web items (i.e. network nodes), wherein the web items have attributes (e.g.

activity, popularity, or congestion) that when meet certain predetermined criteria are areas of interest (e.g. "problem areas"), and to allow a user to view the areas using zooming (e.g. in figures 1-3 in view of column 2 lines 27-32 and 55-57, "map generation method which greatly facilitates the visualization by the user of the overall architecture of the Web site, and allows the user to navigate the map in an intuitive manner to explore the content of the Web site… As the user zooms in on portions of the map, additional details, of the Web site's content objects are automatically revealed within the map", column 3 lines 1-3 and 21-30, "selectively modifying display colors of nodes and links, selectively hiding nodes and links, and/or attaching alphanumeric annotations to the nodes and links… the usage data is then superimposed onto the site map (using the API methods) using different node and link display colors to represent different respective levels of user activity. Using this feature, Webmasters can readily detect common "problem areas" such as congested links and popular Web site exit points. In addition, by looking at individual navigation paths on a per-visitor basis, Webmasters can identify popular navigation paths taken by visitors to the site [as a side note, paragraph 25 of Slatter also describes highlighting or emphasizing areas of interest]"; see also rejections above). Based on these teachings, one of ordinary skill in the art at the time of invention would

have immediately recognized the benefit of applying the "intelligent" zooming of Slatter to the teachings of Leshem so that the user can *automatically* focus on the areas of interest. Automation, in general, makes things more quick and easy. In this case, for example, it would assist a user of a visualization of network node icons, as described in Leshem, to more quickly and easily direct the display to areas of interest represented by the icons. As such, the combination of Slatter and Leshem clearly teaches all of the claimed limitations.

Applicant's arguments with respect to Goldberg and Ball appear to be based on arguments against the references individually, but to reiterate, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. The combination of Slatter and Leshem teaches automatically computing zooming of the visualization by an initial factor as described above and in the rejection. Goldberg was provided to show that the values and ranges of zooming were well known in the art. Ball was provided to show that a visualization of icons representing physical network nodes was well known in the art. See rejections for more details. However, to further respond to applicant's comment about Goldberg disclosing conventional "dumb" zoom facility that is user selected, it is noted that the claims do not even require what applicant refers to as "intelligent" zooming. There is no indication that the computing, positioning, and replacing of the claims are all "intelligently" performed by a computer without user selections (i.e. the computing, positioning, and replacing steps can be a result of a user manually inputting conventional zoom and/or pan instructions on a computer based on the user's

predetermined criteria, or in other words, the user's mind). As applicant notes in the remarks and the specification, manual panning and zooming are known techniques, and furthermore, are shown in some of the references. It is further noted that the claims currently allow each node to have *zero* attributes. In the case of zero attributes, there would be no "network nodes of interest" and the claims would also be merely describing what occurs in the known manual techniques.

In summary, it is believed that the reasons why the combination renders the claims obvious were clearly articulated in the rejection, are further explained above, and are evident from the teachings of the references. Furthermore, it is noted that applicant should at least make sure the claims recite that which applicant considers the invention.

As such, the rejections of the claims stand.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/William Wong/

Examiner, Art Unit 2178

/Adam L Basehoar/

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